

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

HENRY SARNARD RUSSELL,

Plaintiff,

vs.

CV 01-H-1479-W

LIEUTENANT FREEMAN and  
SERGEANT WILSON,

Defendants.

*gm*  
**ENTERED**

**NOV - 2 2001**

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 7, 2001, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on August 17, 2001. Plaintiff's only objections are to the magistrate judge's finding that the defendants did not violate his constitutional rights when they held him for several hours in a cell without a working toilet.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 2<sup>nd</sup> day of NOVEMBER, 2001.

*James H. Hancock*

JAMES H. HANCOCK

SENIOR UNITED STATES DISTRICT JUDGE

11